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The Bank of New York, as Trustee for the  
Certificateholders of CWALT, Inc., Alternative  
Loan Trust 2005-1CB, Mortgage Pass-Through  
Certificates, Series 2005-1CB*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
CWALT, INC., ALTERNATIVE LOAN  
TRUST 2005-1CB, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
1CB.

Plaintiff.

vs.

JEAN BIRMINGHAM, MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., SFR INVESTMENTS POOL 1, LLC,  
PEARL COVE II HOMEOWNERS  
ASSOCIATION, DOE INDIVIDUALS I-X,  
inclusive; and ROE CORPORATIONS I-X,  
inclusive.

## Defendants

Case No.: 2:17-cv-01030-MMD-EJY

**STIPULATION AND ORDER TO LIFT  
STAY FOR LIMITED PURPOSE OF  
ENTERING JUDGMENT AS TO PEARL  
COVE II HOMEOWNERS ASSOCIATION**

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1 SFR INVESTMENTS POOL 1, LLC,

2 Counter/Crossclaimant,

3 vs.

4 THE BANK OF NEW YORK MELLON FKA  
5 THE BANK OF NEW YORK, AS TRUSTEE  
6 FOR THE CERTIFICATEHOLDERS OF  
7 CWALT, INC., ALTERNATIVE LOAN  
8 TRUST 2005-1CB, MORTGAGE PASS-  
9 THROUGH CERTIFICATES, SERIES 2005-  
10 1CB; MORTGAGE ELECTRONIC  
11 REGISTRATION SYSTEMS, INC. as nominee  
12 beneficiary for MIRAD FINANCIAL GROUP;  
13 JEAN BIRMINGHAM, an individual,

14 Counter/Crossdefendants.

15 The Bank of New York Mellon, fka The Bank of New York, as Trustee for the  
16 Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-1CB, Mortgage Pass-Through  
17 Certificates, Series 2005-1CB (**BoNYM**), SFR Investments Pool 1, LLC (**SFR**), and Pearl Cove II  
18 Homeowners Association (**HOA**), by and through their respective counsel of record, stipulate and  
19 agree as follows:

- 1 BoNYM filed a complaint against defendants on April 10, 2017. (ECF No. 1)
- 2 A notice of settlement between BoNYM and SFR was filed on February 11, 2020. (ECF No.  
3 110). A stipulation to stay the case pending this settlement was filed on May 18, 2020. (ECF  
4 No. 113). As part of the stipulation, the parties noted that BoNYM and the HOA had also  
5 reached a settlement and were working to finalize the agreement.
- 6 BoNYM and the HOA have now finalized the settlement for their portion of the case. As  
7 part of the settlement, BoNYM and the HOA have agreed to the terms in the concurrently  
8 filed stipulation and order to enter judgment in favor of BoNYM and against the HOA.
- 9 The parties therefore agree there is good cause to lift the stay for the limited purpose of  
10 entering judgment pursuant to BoNYM and the HOA's concurrently filed stipulation.

11 ...

5. BoNYM and SFR continue to finalize settlement documents as to their respective claims against each other. This stipulation does not affect these claims. The parties respectfully request the court reinstitute the stay following entry of BoNYM and the HOA's stipulated judgment.

Dated this 23<sup>rd</sup> day of November, 2020.

<p><b>Akerman LLP</b></p> <p><u>/s/ Nicholas E. Belay, Esq.</u>  NATALIE L. WINSLOW, ESQ.  Nevada Bar No. 12125  NICHOLAS E. BELAY, ESQ.  Nevada Bar No. 15175  1635 Village Center Circle, Suite 200  Las Vegas, Nevada 89134</p>	<p><b>Hall Jaffe &amp; Clayton, LLP</b></p> <p><u>/s/ Ashlie L. Surur, Esq.</u>  ASHLIE L. SURUR, ESQ.  Nevada Bar No. 11290  7425 Peak Drive  Las Vegas, Nevada 89128</p>
<p><i>Attorneys for The Bank of New York Mellon</i></p> <p><b>KIM GILBERT EBRON</b></p> <p><u>/s/ Chantel M. Schimming, Esq.</u>  Chantel M. Schimming, ESQ.  Nevada Bar No. 8886  7625 Dean Martin Drive, Suite 110  Las Vegas, Nevada 89139</p> <p><i>Attorneys for SFR Investments Pool 1, LLC</i></p>	<p><i>Attorneys for Pearl Cove II Homeowners Association</i></p>

## ORDER

## IT IS SO ORDERED.

**UNITED STATES DISTRICT JUDGE**

DATED: November 23, 2020